

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SANJAY GOSWAMI, §
§
Plaintiff, §
§
VS. § CIVIL ACTION NO. H-12-2953
§
UNOCAL (Now Chevron) §
§
Defendant. §

ORDER

On March 5, 2013, this court set a schedule under which Chevron Corporation and Chevron U.S.A. Inc. (“Chevron”),¹ were to file a motion for summary judgment by April 12, 2013, and the plaintiff, Sanjay Goswami, was to respond by May 3, 2013. (Docket Entry No. 26). Chevron timely moved for summary judgment. (Docket Entry No. 27). On April 28, Goswami moved for clarification of this court’s March 5 order and for a three-month extension of his deadline to respond to the summary judgment motion. (Docket Entry No. 28). On April 25, Goswami filed a “motion against the summary judgment.” (Docket Entry No. 29). On April 29, Chevron responded to Goswami’s filings. (Docket Entry No. 30). In the response, Chevron: (1) sought clarification as to whether Goswami’s April 25 filing was a response to the summary judgment motion; (2) asked whether, if Goswami had responded to the motion, the time to reply had begun to run; and (3) opposed Goswami’s request for a three-month extension but agreed to a shorter extension.

¹ Chevron was erroneously captioned “UNOCAL (Now Chevron).” This discrepancy is not material.

Chevron also sent an email to this court's case manager on May 1, to explain the status of its summary judgment motion, Goswami's response, and the pending reply. Goswami emailed this court a response to the Chevron's email on May 5.

This court has carefully reviewed the record, the summary judgment motion, Goswami's filings, and the parties' statements. Construing the filings liberally and in Goswami's favor, *see, e.g., Daniel v. Allstate Ins. Co.*, 2013 WL 1856156, at *3 (E.D. La. Apr. 30, 2013) ("[T]he Court afford[s] Plaintiff's *pro se* pleadings, motions, and briefs the liberal construction to which they [are] entitled . . .") (citing *Brown v. Sudduth*, 675 F.3d 472, 477 (5th Cir. 2012))), this court concludes that Goswami's "motion against the summary judgment" is not a response. It appears to provide additional support for Goswami's argument that his response deadline should be extended. Chevron argues that Goswami has presented no valid basis for an extension.

Goswami stated that he needed three more months to secure legal representation, pointing to the arguments Chevron made in the summary judgment motion and his own poor health. This court is aware of the difficulties *pro se* litigants face in responding to summary judgment motions. *See, e.g., Skodmin v. Oliva*, 2006 WL 2711481, at (D. Colo. Sept. 20, 2006) ("[I]n light of Plaintiff's *pro se* status, the Court will afford him some leniency, particularly because of the difficulty in obtaining affidavits and other materials traditionally used in responding to a motion for summary judgment."). Goswami, however, has known the grounds Chevron would present in its motion for months now. Goswami has already made efforts to retain counsel, with no success. He offers no reason to believe that he will be able to secure legal counsel if given three more months. Goswami's health problems have been present from the beginning of this case, and he does not state that the problems have become worse. He has been able to pursue the litigation despite his health problems.

Goswami states that if he continues to be unable to retain counsel, which appears likely, he will need more time than this court originally gave him to respond pro se. Extra time is justified. Goswami's motion for clarification and for an extension, (Docket Entry No. 28), is granted to the extent of allowing additional time, but not as much as Goswami sought. Goswami's response to the motion for summary judgment is due by **June 17, 2013**. Chevron's reply is due **July 1, 2013**. No additional extensions will be granted on the basis that Goswami needs more time to obtain counsel.

SIGNED on May 9, 2013, at Houston, Texas.



Lee H. Rosenthal
United States District Judge